UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,571	02/08/2002	Chris Hamilton	PW 249773 P13688	2588

27496   7590   06/27/2011
PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O BOX 10500
McLean, VA 22102

EXAMINER
KHAN, ASHER R

ART UNIT	PAPER NUMBER
2481	

MAIL DATE	DELIVERY MODE
06/27/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/071,571	HAMILTON, CHRIS
	Examiner	Art Unit	
	ASHER KHAN	2481	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 April 2011</u>.

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,4,22,23,25-37 and 39-41</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 4, 22, 23, 25-37, and 39</u> is/are rejected.

7)☒ Claim(s) <u>40 and 41</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20110614

DETAILED ACTION

Allowable Subject Matter

Claim 40 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   **Claims 1, 4, 22, 23, 25-30, 34, 35, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,032,177 to Novak et al. "Novak" in view U.S. Patent Pub. 2011/0126246 A1 to Thomas et al. "Thomas".**

Regarding claim 1, Novak discloses a home media server content management and processing system (see column 8, lines 24-26: "...a system 400 for creating and distributing personalized editions of media programs."; see also figure 4 particularly the entirety of the figure), comprising:

an editing platform running editing software (Fig. 4 particularly Editing Device 402 and figure 5 particularly Editing Device 402);

a database, contained in the editing platform, to store media producer specified multi-media content (see column 8, lines 39-40: "...a copy of the media program is received by the editing device 402" wherein if the editing device is able to receive and store a

copy of the media program hen there must be some type of memory/database/storage means comprised within; and further as disclosed at column 8, lines 24-29: "...editing device 402...may be embodied as STB 102" which as shown in figure 3 comprises Memory 306 as well as Storage Device 310);

a set of downloadable instructions and data generated by a media producer to assemble an edited video program using a plurality of segments of the multi-media content (see column 8, lines 35-38: "The bookmarks 406 may define points of interest within a media program and may be used by the playback device 404 to selectively skip from one point of interest to another during playback of the media program."; see column 9, lines 14-37: "...a bookmark 406 defining each marked point of interest is generated. As previously noted, a bookmark 406 may be embodied as a time index...Alternatively, a bookmark 406 may be embodied as a frame index, offset, chapter reference, scene reference, or other non-time positional indicator within the media program...The bookmarks may include additional information, such as commentary by a user of the editing device 402.");

a network to distribute the multi-media content, the set of downloadable instructions, and the data generated by the media producer to home media servers (see column 8, lines 30-35: "The editing device 402 may be linked to the playback device 404 by a network such as a broadband network 101, a wireless network, or the internet 112.");

a home media server to receive the multi-media content, the set of downloadable instructions, and the data generated by the media producer from the editing platform via the network (see column 10, lines 35-38: "The received bookmarks 406 may then be

used during presentation of the media program by the playback device 404 to present a

personalized edition of the media program, e.g., a personalized path through the

program."; see also figure 3 particularly STB 102 and Storage Device 310; figure 4

particularly Bookmarks 406 being transferred over Broadband Network/Internet 101/112

to Playback Device 404; figure 7 particularly Bookmarks 406 being transferred via

Editing Device 402 and Playback Device 404 and further wherein the corresponding text

for the figure discloses "the media program is presented by a presentation component

714" at e.g. column 12, lines 38-39; and see also figure 14 particularly steps 1402,

1404, 1406, 1408, 1410, 1412 and 1414 which show the method by which a

personalized edition of a media program is created and distributed).

wherein the downloadable instruction, when executed cause the home media server to

search for and bid for additional media content (the bookmarks may include additional

information, such as commentary by a user of the editing device 402."), to obtain the

additional media content based on the bidding, and to obtain the additional media

content associated with the edited video program (Col. 2, line 53 to col. 3 line 3; It is

noted that when contents are downloaded with the bookmarks or additional information

upon bidding since we have cable or internet therefore content would be provided upon

bidding and searching) and wherein the home media server emulates assembly of the

edited program using the multi-media content, the set of downloadable instructions, the

additional media content and the data generated by the media producer, and displays

the assembled edited program on a monitor (see column 10, lines 35-38: "The received

bookmarks 406 may then be used during presentation of the media program by the

playback deice 404 to present a personalized edition of the media program, e.g., a personalized path through the program."; see also figure 3 particularly STB 102 and Storage Device 310; figure 4 particularly Bookmarks 406 being transferred over Broadband Network/Internet 101/112 to Playback Device 404; figure 7 particularly Bookmarks 406 being transferred via Editing Device 402 and Playback Device 404 and further wherein the corresponding text for the figure discloses "the media program is presented by a presentation component 714" at e.g. column 12, lines 38-39; and see also figure 14 particularly steps 1402, 1404, 1406, 1408, 1410, 1412 and 1414 which show the method by which a personalized edition of a media program is created and distributed).

However Novak does not expressly disclose to obtain the rights for a program.

Thomas discloses to obtain the rights for a program (Para. 0113)

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Novak with the teachings of Thomas. Motivation to combine would have been to allow watching of multimedia so that only people with the right to watch or playback the video could access the content. Resulting in a device that allows only certain authorized users to access the contents.

Regarding claims 22 and 36, Novak discloses an editing platform (see column 8, lines 30-54: "The editing device 402 may be linked to the playback device 404 by a network such as a broadband network 101, a wireless network, or the internet 112...The bookmarks 406 may define points of interest within a media program, and may be used by the playback device 404 to selectively skip from one point of interest to another

during playback of the media program"; see also figure 4 particularly Editing Device 402

and figure 5 particularly Editing Device 402), comprising:

a storage medium (see column 8, lines 39-40: "...a copy of the media program is

received by the editing device 402" wherein if the editing device is able to receive and

store a copy of the media program then there must be some type of

memory/database/storage means comprised within; and further as disclosed at column

8, lines 24-29: "...editing device 402...may be embodied as STB 102" which as shown in

figure 3 comprises Memory 306 as well as Storage Device 310); and

machine-readable code, stored on the storage medium, having instructions, which when

executed cause the editing platform to receive a plurality of segments of video

programs, each of the plurality of segments being identified by endpoints (see column 8,

lines 35-38: "The bookmarks 406 may define points of interest within a media program

and may be used by the playback device 404 to selectively skip from one point of

interest to another during playback of the media program."; see column 9, lines 14-37:

"...a bookmark 406 defining each marked point of interest is generated. As previously

noted, a bookmark 406 may be embodied as a time index...Alternatively, a bookmark

406 may be embodied as a frame index, offset, chapter reference, scene reference, or

other non-time positional indicator within the media program...The bookmarks may

include additional information, such as commentary by a user of the editing device

402."; see column 3, lines 9-13: "...the editing device then generates bookmarks

defining each designated excerpt. A bookmark may define a beginning point or an end

point of an excerpt. Alternatively, a single bookmark may define both a beginning and end point of an excerpt.");

assemble the plurality of segments using the set of instructions to form the edited video program (see column 8, lines 39-40: "...a copy of the media program is received by the editing device 402.");

generate an edited set of data corresponding to editing steps for assembly of the edited video program (see column 9, lines 4-36: "...a bookmark 406 defining each marked point of interest is generated...Alternatively, a bookmark 406 may be embodied as a frame index, offset, chapter reference, scene reference, or other non-time positional indicator within the media program. In certain embodiments, a bookmark 406 may include a directive to a playback device 404 to skip to a particular time or position within the media program...The bookmarks may include additional information, such as commentary by a user of the editing device 402. The additional information may be text, a hyperlink, an image, audio, or video."; see column 11, lines 16-30: "Actions 606 correspond to various operation that may be performed on or in connection with a media program represented by the PI© 602...Another action may skip to a time or position indicated by a bookmark 406 during presentation of the media program. Actions 606 may be embodied, for example, as program code in a machine- independent format, such as Java or Javascript. Attributes 604 contains information about the media program being represented...In addition, one or more attributes 604 may be used to store bookmarks 406.");

store the edited video program on the editing platform (see column 8, lines 39- 40: "...a copy of the media program is received by the editing device 402."),

analyze endpoint frames of each segment used in the assembly of the edited program, said analysis resulting in analysis data stored on the editing platform (see column 3, lines 9-13: "...the editing device then generates bookmarks defining each designated excerpt. A bookmark may define a beginning point or an end point of an excerpt. Alternatively, a single bookmark may define both a beginning and end point of an excerpt.", Fig. 12), generate analysis data corresponding to the endpoint frames of each segment used to create edited video program (see column 3, lines 9-13: "...the editing device then generates bookmarks defining each designated excerpt. A bookmark may define a beginning point or an end point of an excerpt. Alternatively, a single bookmark may define both a beginning and end point of an excerpt."),

generate downloadable instructions, which when executed cause the home media server to search for and bid for additional media content (the bookmarks may include additional information, such as commentary by a user of the editing device 402."), to obtain the additional media content based on the bidding, and to obtain the additional media content associated with the edited video program (Col. 2, line 53 to col. 3 line 3; It is noted that when contents are downloaded with the bookmarks or additional information upon bidding since we have cable or internet therefore content would be provided upon bidding and searching and also see column 9, lines 4-36: "...a bookmark 406 defining each marked point of interest is generated...Alternatively, a bookmark 406 may be embodied as a frame index, offset, chapter reference, scene reference, or other

non-time positional indicator within the media program. In certain embodiments, a

bookmark 406 may include a directive to a playback device 404 to skip to a particular

time or position within the media program...The bookmarks may include additional

information, such as commentary by a user of the editing device 402. The additional

information may be text, a hyperlink, an image, audio, or video."; see column 11, lines

16-30: "Actions 606 correspond to various operation that may be performed on or in

connection with a media program represented by the PIO 602...Another action may skip

to a time or position indicated by a bookmark 406 during presentation of the media

program. Actions 606 may be embodied, for example, as program code in a machine-

independent format, such as Java or Javascript. Attributes 604 contains information

about the media program being represented...In addition, one or more attributes 604

may be used to store bookmarks 406."); and,

distribute the downloadable instructions, the edited set of data and the analysis data to

a home media server (see column 10, lines 35-38: "The received bookmarks 406 may

then be used during presentation of the media program by the playback deice 404 to

present a personalized edition of the media program, e.g., a personalized path through

the program."; see also figure 3 particularly STB 102 and Storage Device 310; figure 4

particularly Bookmarks 406 being transferred over Broadband Network/Internet 101/112

to Playback Device 404; figure 7 particularly Bookmarks 406 being transferred via

Editing Device 402 and Playback Device 404 and further wherein the corresponding text

for the figure discloses "the media program is presented by a presentation component

714" at e.g. column 12, lines 38-39; and see also figure 14 particularly steps 1402,

1404, 1406, 1408, 1410, 1412 and 1414 which show the method by which a

personalized edition of a media program is created and distributed).

However Novak does not expressly disclose to obtain the rights for a program.

Thomas discloses to obtain the rights for a program (Para. 0113)

At the time of invention, it would have been obvious to a person of ordinary skill

in the art to combine Novak with the teachings of Thomas. Motivation to combine would

have been to allow watching of multimedia so that only people with the right to watch or

playback the video could access the content. Resulting in a device that allows only

certain authorized users to access the contents.

Regarding claim 4, Novak and Thomas disclose everything claimed as applied

above (see claim 1). Further, Novak discloses wherein the assembled edited video

program is stored in the home media server (see figure 14 particularly step 1412 which

shows the media program is accessed at the playback device and therefore must be

stored in the home media server).

Regarding claim 23, the combination of Novak and Thomas disclose everything

claimed as applied above (see claim 22). Further, Novak discloses wherein each set of

said endpoint segments assigned a segment identification (ID) number (see column 14,

lines 10-13: "...a visual indication 1002 of order, such as a number, may be displayed

above, or near, a visual representation 1004 of each excerpt 902 on the status bar

516."; see column 9, lines 21-23: "Alternatively, a bookmark 406 may be embodied

as...non-time positional indicator within the media program," wherein the non-time

positional indicator reads on the claimed "segment identification number"; see also
figure 10 particularly Items 902 being number 1,2 and 3.).

Regarding claim 25, Novak and Thomas disclose everything claimed as applied
above (see claim 22). Further, Novak discloses wherein generation of the set of
instructions for assembly of the edited video program includes manipulating and
sequencing of the plurality of segments by the media producer using the editing
software program, said manipulation including creating and storing a set of manipulation
instructions, said sequencing including producing and storing a sequence order (see
column 10, lines 49-61 : "...multiple bookmarks 406 may be placed in sequential
order...a user of the editing device 402 may have intended to create a non-linear or non-
chronological path through the media program. In such a case, an indication of the
order may be sent with the bookmarks 406, which may be used or ignored by the
playback device 404, as desired.").

Regarding claim 26, the combination of Novak and Thomas discloses everything
claimed as applied above (see claim 25). Further, the limitations of the claim are
rejected in view of the explanation set forth in claim 25 above (wherein the reordering of
segments reads on "effecting the plurality of segments" as well as "to create
transitions.").

Regarding claim 27, the combination of Novak and Thomas discloses everything
claimed as applied above (see claim 25). Further, the limitations of the claim are
rejected in view of the explanation set forth in claims 22, 23 and 25 above (wherein
claim 22 discloses the actual production of the edited program via editing software and

manipulation instructions and, claim 23 discloses segment identification numbers, and claim 25 discloses a sequence order.).

Regarding claim 28, the combination of Novak and Thomas discloses everything claimed as applied above (see claim 25). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above (see, e.g., column 8, lines 30-32 and 40-41: "...Internet 112...the media program may be any type of audio and/or video program...").

Regarding claim 29, the combination of Novak and Thomas discloses everything claimed as applied above (see claim 25). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above (see, e.g., column 9, lines 21-23: "Alternatively, a bookmark 406 may be embodied as a frame index, offset, chapter reference, scene reference, or other non-time positional indicator within the media program.").

Regarding claim 30, the combination of Novak and Thomas discloses everything claimed as applied above (see claim 25). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above (see, e.g., column 8, lines 39-40: "...a copy of the media program is received by the editing device 402" as well as column 10, lines 30-31 : "...a copy of the same media program is also accessed by the playback device 404.").

Regarding claim 34, the combination of Novak and Thomas discloses everything claimed as applied above (see claim 25). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above.

Regarding claim 35, the combination of Novak and Thomas discloses everything claimed as applied above (see claim 25). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 22 above.

Regarding claim 37, the combination of Novak and Thomas discloses everything claimed as applied above (see claim 36). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 36 above.

3.   **Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable US Patent 7,032,177 to Novak et al. "Novak" in view U.S. Patent Pub. 2011/0126246 A1 to Thomas et al. "Thomas" and in further view of well-known prior art (see MPEP 2144.03).**

Regarding claim 31, Novak discloses wherein the media files are stored in various media formats, where video is stored as MPEG4 (see column 5, lines 41-47: "Various MPEG standards are known...MPEG-4..."). However, even though Novak teaches that the media program may include any type of audio and/or video program (see column 2, lines 35-36), Novak fails to explicitly teach audio is stored as MP3. Official Notice is taken that both the concept and the advantages of audio is stored as MP3 are well known in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the audio as MP3 files in the system taught by Novak and Thomas, because said practice is conventional and provides a means of making more efficient use of a finite recording capacity through utilization of a lossy compression scheme, which would result in a user being able to store more data.

4.   **Claims 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable**

US Patent 7,032,177 to Novak et al. "Novak" in view U.S. Patent Pub.

2011/0126246 A1 to Thomas et al. "Thomas" and in further view US Patent

5,436,653 to Ellis et al. "Ellis".

Regarding claim 32, the combination of Novak and Logan discloses everything

claimed as applied above (see claim 22). However, the combination of Novak and

Thomas fails to disclose wherein the analysis includes a fast fourier transform (FFT) of

each end point frame to form media producer fast fourier transform (FFT) data, or a

decimation of each end point frame to form media producer decimated data. The

examiner maintains that it was well known to include the missing limitations, as taught

by Ellis. In a similar field of endeavor, Ellis discloses wherein the analysis includes a

fast fourier transform (FFT) of each end point frame to form media producer fast fourier

transform (FFT) data, or a decimation of each end point frame to form media producer

decimated data (see column 10, lines 15-32: "The video and audio signals are

thereafter supplied to the segment recognition subsystem 26, wherein frame signatures

for each of the video and audio signals are generated which are thereafter compared to

stored key signatures to determine if a match exists...The segment recognition

subsystem also produces cues which represent signal events, such as a video fad-to-

black or an audio mute. The cues as well as match information are supplied to the

control computer 30 for use in determining whether the received signal represents a

new segment or commercial of interest...for grouping match information for storage in a

database."; see column 12, lines 40-53: "...each difference vector 150 is subjected to a

sequence of vector transformations described hereinbelow which yield a corresponding

sixteen-element transformed or resultant vector..."; see column 20, lines 13-17: "The

digitized audio...is supplied to the transformation and signature extraction module 206

which utilizes a Fast Fourier Transform (FFT) process for generating audio frame

signatures and corresponding mask words."). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify the

combination of Novak and Logan to include the teachings of Ellis for the purpose of

improving recognition accuracy and system efficiency in recognizing broadcast

segments (see column 4, lines 10-12 of Ellis).

    Regarding claim 39, the limitations of the claims are rejected in view of the

explanation set forth in regards to claim 32 above (wherein Ellis teaches the claimed

FFT of each frame of content data, and further wherein this data also reads on the

claimed "decimated data" of claim 39).

5.   **Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over US**

Patent 7,032,177 to Novak et al. "Novak" in view U.S. Patent Pub. 2011/0126246 A1

to Thomas et al. "Thomas" and in view of US Patent 5,436,653 to Ellis et al. "Ellis"

and in further view of well known prior art (see MPEP 2144.03).

    Regarding claim 33, the combination of Novak, Logan and Ellis discloses

everything claimed as applied above (see claim 32). However, the combination of

Novak, Logan and Ellis fails to disclose wherein a video frame is represented by a two-

dimensional fast fourier transform (FFT), and a audio frame is represented by a one-

dimensional fast fourier transform (FFT). Official Notice is taken that both the concept

and the advantage of representing video frames by a two-dimensional FFT and audio frames by a one-dimensional FFT are well known and expected in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize said feature within say system taught by Novak, Logan and Ellis, because said practice is conventional and provides a means of reducing the required computations, thus resulting in a faster overall system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on (571)272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. K./
Examiner, Art Unit 2481

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2484